

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 2 Community Care Facilities – Anti-Discrimination Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 16, 2003, as follows:

July 16, 2003
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 16, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Title 22, Division 6, Chapter 1 (General Licensing Requirements), Section 80017 (Applicant Qualifications); Chapter 8 (Residential Care Facilities for the Elderly), Section 87118 (Nondiscrimination); Chapter 8.5 (Residential Care Facilities for the Chronically Ill), Section 87817 (Applicant Qualifications); Chapter 8.8 (Foster Family Agencies), Section 88030 (Identification of Certified Family Homes); Chapter 9 (Adoption Agencies), Section 89002 (Nondiscrimination); and Chapter 9.5 (Foster Family Homes), Section 89317 (Applicant Qualifications); and Title 22, Division 12, Chapter 1 (Child Care Center), Section 101168 (Applicant Qualifications); and Chapter 3 (Family Child Care Homes), Section 102368 (License).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations that govern community care facilities are inconsistent in providing anti-discrimination protections for applicants seeking licensure or certification. The proposed amended regulations provide consistent anti-discrimination policy for applicants by conforming to existing anti-discrimination laws.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: N/A
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations clarify existing anti-discrimination law and policy.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the

State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 1530, 1568.072, 1569.30, and 1596.81, Health and Safety Code. Subject regulations implement and make specific Sections 1501, 1508, 1530, and 1531, Health and Safety Code; and Section 51, Civil Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
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AGENDA ITEMS FOR THIS PUBLIC HEARING - July 16, 2003

ITEM #1 ORD #0802-21 - Restaurant Meals for the Homeless, Elderly, and Disabled

ITEM #2 ORD #0303-06 – Community Care Facilities – Anti-Discrimination Regulations